

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 22493-283PUS (BA0307)
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO, EFS-Web transmitted to the USPTO, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number 09/786,529  First Named Inventor James V. LUCIANI  Art Unit 2475  Filed October 8, 2010  Examiner Brian T. O'CONNOR

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the		/Alan M. Weisberg/
<input type="checkbox"/> applicant.		Signature Alan M. Weisberg
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>43,982</u>		Typed or printed name  (954) 828-1488
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.  Registration number if acting under 37 CFR 1.34 _____		Telephone number  November 27, 2012
Date		

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below\*.

<input checked="" type="checkbox"/>	*Total of <u>One (1)</u> forms are submitted.
-------------------------------------	---

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number: 09/786,529

Confirmation Number: 1428

Filing Date: October 8, 2010

Applicant: James V. LUCIANI

Title: NON-BROADCAST MULTIPLE ACCESS INVERSE NEXT  
HOP RESOLUTION PROTOCOL (INHRP)

Examiner: Brian T. O'CONNOR

Group Art Unit: 2475

Attorney Docket No: 22493-283PUS (BA0307)

---

Mail Stop AF  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

In response to the Final Office Action dated September 11, 2012, Applicant hereby requests review of the rejections therein. No amendments are being filed with this request, and this request is being filed with a Notice of Appeal. The review is being requested for the reasons stated below.

REMARKS

Claims 91-94, 96-118, 120, 121 and 123-145 are pending in the Application. All of the pending claims have been finally rejected. Applicant respectfully asserts that the rejections to the pending claims are made in error. As discussed below, the final Office Action omits elements needed to establish a *prima facie* obviousness rejection of the pending claims. Claims 91, 118 and 143 are independent.

Claims 91-94, 96, 118, 120, 121 and 123

On page 3 of the Office Action, Claims 91-94, 96, 118, 120, 121 and 123 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horikawa *et al.* (U.S. Patent No: 6,009,102; hereinafter referred to as “Horikawa”) in view of Borella *et al.* (U.S. Patent No: 6,269,099 B1, hereinafter referred to as “Borella”). Applicant respectfully traverses the rejections.

Independent Claims 91 and 118

Claims 91 and 118 recite “a mapping of NBMA subnetwork layer addresses to internetwork layer addresses to resolve an internetwork address.” These features are not disclosed or suggested by Horikawa or Borella, whether considered individually or in combination.

The Office Action admits that these features are not disclosed by Horikawa. Office Action, page 4. Applicant agrees that Horikawa fails to teach or suggest these features. Rather, the Office Action relies on the Discovery Table, Peer Host, and Peer of Borella as disclosing these features. Office Action, page 4. In particular, the Office Action equates the mapping of Applicant’s claims to Borella’s discovery table, equates the NBMA subnetwork layer addresses of Applicant’s claims with Borella’s peer host table column, and equates the internetwork layer addresses of Applicant’s claims to Borella’s peer table column. These comparisons are in error.

As to the discovery table of Borella, a first column of the table is to store network addresses for peer network devices. A second column stores network addresses for host network devices associated with the peer network devices. Borella does not disclose or suggest that the network addresses for the peer network devices are subnetwork layer addresses and does not disclose or suggest that the network addresses for the host network addresses are internetwork layer addresses, or vice versa. As explained in Applicant’s specification at least at page 6, an

internetwork layer is a media independent layer such as the Internet Protocol of a TCP/IP network and a subnetwork layer is a media-dependent layer underlying the internetwork layer. Thus, Applicant's claims map media-dependent subnetwork layer addresses to media independent network layer addresses. This is not disclosed or suggested by Borella. In particular, Borella, at most, teaches mapping of a network address of a peer network device to a network address of a peer host device. Borella, col. 6, ll. 51-60. In other words, the mapping of Borella is between network devices at the same network layer, whereas Applicant's mapping is between devices at different network layers.

Therefore, Horikawa and Borella, whether considered individually or in combination, fail to teach or suggest "a mapping of NBMA subnetwork layer addresses to internetwork layer addresses," as recited in Claims 91 and 118. Hence, Claims 91 and 118 are allowable, and their rejections should be reversed.

Dependent Claims 92-94, 96, 120, 121 and 123

Claims 92-94, 96, 120, 121 and 123 are allowable, at least by virtue of their dependency from an allowable claim, and their rejections should be reversed. Further, these claims recite additional elements not disclosed or suggested by the cited references.

Claims 97-117 and 124-142

On page 8 of the Office Action, Claims 97-116 and 124-141 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horikawa in view of Borella and further in view of Cox *et al.* (U.S. Patent No: 6,189,041 B1; hereinafter referred to as "Cox"). On page 35 of the Office Action, Claims 117 and 142 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horikawa in view of Borella and further in view of Cox and further in view of Beser (U.S. Patent No: 6,442,158 B1; hereinafter referred to as "Beser"). Applicant respectfully traverses the rejections.

Claims 97-117 depend from Claim 91 and Claims 124-142 depend from Claim 118. As explained above, Horikawa and Borella fail to teach at least one element of Claims 91 and 118. Cox and Beser fail to teach or suggest the elements of Claims 91 and 118 not disclosed or suggested by Horikawa and Borella. For example, Cox and Beser fail to teach or suggest "a mapping of NBMA subnetwork layer addresses to internetwork layer addresses," as recited in Claims 91 and 118. Cox is cited as disclosing, *inter alia*, that a protocol packet includes a fixed

part and a mandatory part. Office Action, page 8. Beser is cited as disclosing that an extension TLV triplet contains vendor private information. Office Action, page 35. Cox and Beser are not cited as disclosing, and fail to disclose or suggest, mapping a subnetwork layer address to an internetwork layer address. Therefore, Horikawa, Borella, Cox and Beser, whether considered individually or in combination, fail to teach or suggest at least one element of Claims 91 and 118, from which Claims 97-117 and 124-142 depend. Hence, Claims 97-117 and 124-142 are allowable, at least by virtue of their dependency from an allowable claim. Further, these claims recite additional elements not disclosed or suggested by the cited references.

Claim 143

On page 36 of the Office Action, independent Claim 143 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horikawa in view of Takahashi *et al.* (U.S. Patent No: 6,205,148 B1; hereinafter referred to as “Takahashi”) and in view of Borella. Applicant respectfully traverses the rejection.

Claim 143 recites “a mapping of NBMA subnetwork layer addresses to internetwork layer addresses.” As explained above, these features are not disclosed by Horikawa and Borella. Takahashi fails to cure the deficiencies of Horikawa and Borella. Takahashi is cited as disclosing resolution of an internetwork layer address for a destination station using an inverse next hop resolution protocol. Office Action, page 37. Takahashi is not cited as disclosing, and fails to disclose or suggest “a mapping of NBMA subnetwork layer addresses to internetwork layer addresses,” as recited in Claim 143. Therefore, Horikawa, Borella and Takahashi, whether considered individually or in combination, fail to teach or suggest at least one element of Claim 143. Hence, Claim 143 is allowable and withdrawal of its rejection is respectfully requested.

Claims 144 and 145

On page 38 of the Office Action, dependent Claims 144 and 145 are rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Horikawa in view of Takahashi and further in view of Borella and further in view of Cox. Applicant respectfully traverses the rejections.

Claims 144 and 145 depend from Claim 143. As explained above, Horikawa, Takahashi, Borella and Cox fail to teach or suggest “a mapping of NBMA subnetwork layer addresses to internetwork layer addresses,” as recited in Claim 143. Hence, Claims 144 and 145 are

allowable, at least by virtue of their dependency from an allowable claim. Further, these claims recite additional elements not disclosed or suggested by the cited references.

For the reasons provided above as well as provided in the record, the claim rejections are believed to be improper and a result of clear error by the Examiner. Accordingly, the pending claims are in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

Of note, Applicant's undersigned representative is registered to practice before the United States Patent & Trademark Office. In accordance with 37 C.F.R. § 1.34 and M.P.E.P. § 405, the signature of Applicant's undersigned representative is representation that he is authorized to represent Applicant and the assignee on whose behalf he is acting.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application. The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No: 502104.

Respectfully submitted,

Date: November 27, 2012

By: Alan M. Weisberg  
Alan M. Weisberg  
Registration No: 43,982  
Attorney for Applicant  
Christopher & Weisberg, P.A.  
200 East Las Olas Boulevard  
Suite 2040  
Fort Lauderdale, Florida 33301  
**Customer No: 31292**  
Tel: (954) 828-1488  
Fax: (954) 828-9122  
Email: ptomail@cwiplaw.com

420459